

UNITED STATES DISTRICT COURT

for the
District of Arizona

17-6321MS
United States of America
v.
Francisco Arvizu,
a.k.a.: Francisco Arvizu-Carabajal,
(A098 921 822)
Defendant

Case No. 17-6321MS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 15, 2017 in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Francisco Arvizu, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about January 31, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Cassie Bray Woo


☒ Continued on the attached sheet.


Complainant's signature

Darrin J. McNeill,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: August 16, 2017


Judge's signature

City and state: Phoenix, Arizona

David K. Duncan,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE


I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 15, 2017, while following a lead, officers with the Phoenix ICE Fugitive Operations Program Unit II encountered Francisco Arvizu during a traffic stop at the intersection of North 51st Street and McDowell Road, in Phoenix, Arizona. At the scene, Deportation Officer J. Joyner interviewed Arvizu and determined him to be a citizen of Mexico, illegally present in the United States. On the same date, Arvizu was transported to the Phoenix ICE office for further investigation and processing. Arvizu was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Francisco Arvizu to be a citizen of Mexico and a previously deported criminal alien. Arvizu was removed from the United States to Mexico through Nogales, Arizona, on or about January 31, 2006, pursuant to an order

of removal issued by an immigration judge. There is no record of Arvizu in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Arvizu's immigration history was matched to him by electronic fingerprint comparison.

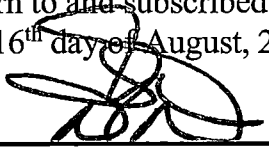
4. Criminal history checks revealed that Francisco Arvizu was convicted of Theft, a felony offense, on January 17, 2006, in the Superior Court of Arizona, Maricopa County. Arvizu was sentenced to three (3) years' probation. Arvizu's criminal history was matched to him by electronic fingerprint comparison.
5. On August 15, 2017, Francisco Arvizu was advised of his constitutional rights. Arvizu freely and willingly acknowledged his rights and declined to make any further statements
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 15, 2017, Francisco Arvizu, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about January 31, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for

admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Darrin J. McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 16th day of August, 2017.



David K. Duncan,
United States Magistrate Judge